

**ALJ RULING**

The ALJs hereby enter the attached Case Management Order, as proposed by the parties on December 22, 2009 and modified by the ALJs.

Further, the ALJs grant, in part, and deny, in part, the Motion to Strike filed by Nicor Gas on October 9, 2009. In an attempt to be clear, the ALJs have followed the numbering and format provided by Nicor in its Motion with our corresponding ruling on each challenged piece of testimony. In addition, we make the following observations:

- With respect to the testimony stricken that goes to the “state of mind” of Nicor, CUB and Staff are free to rephrase the testimony.
- With respect to documents that lack foundation, we recognize that Staff and CUB will still have opportunities to lay the necessary foundation. Thus, we reserve ruling on those documents that lack foundation at this point in the process.
- If any of the deposition quotations are taken out of context, Nicor has many procedural avenues to pursue a remedy to that problem.
- For the '99 and '00 PGA related issues, it is unclear procedurally how the parties intend to address the other PGA dockets. Parties should be prepared to discuss this at the next status hearing.

**ZURASKI DIRECT**

	Testimony	Ruling	Explanation
1.	Staff Ex. 1.0, 2:41	Overruled	
2.	Staff Ex. 1.0, 3:fn 1	Withdrawn	
3.	Staff Ex. 1.0, 3:57-60	Reserved	'99 and '00 PGA.
4.	Staff Ex. 1.0, 7:141	Sustained	
5.	Staff Ex. 1.0, 7:151	Sustained	
6.	Staff Ex. 1.0, 9:195-99	Reserved	'99 and '00 PGA.
7.	Staff Ex. 1.0, 11:fn 4	Withdrawn	
8.	Staff Ex. 1.0, 12:fn 5	Withdrawn	
9.	Staff Ex. 1.0, 13:253-54	Sustained	
10.	Staff Ex. 1.0, 13:fn 7	Overruled	
11.	Staff Ex. 1.0, 13:fn 7	Staff has agreed to remove	
12.	Staff Ex. 1.0, 13:fn 8	Overruled	
13.	Staff Ex. 1.0, 31:604-09, incl. Fn. 16	Sustained	
14.	Staff Ex. 1.0, 31:614-632, incl. fns. 17-20	Sustained	
15.	Staff Ex. 1.0, 38:758-59	Sustained	
16.	Staff Ex. 1.0, 38:fn 23	Withdrawn	
17.	Staff Ex. 1.0, 38:764-65, incl. Fn. 24	Withdrawn	
18.	Staff Ex. 1.0, 38:766-67	Sustained	
19.	Staff Ex. 1.0, 38:fn 25	Reserved	Foundation.
20.	Staff Ex. 1.0, 39:768-69	Withdrawn	

21.	Staff Ex. 1.0, 39:769-70	Sustained	
22.	Staff Ex. 1.0, 39:fn 26	Overruled	
23.	Staff Ex. 1.0, 40:803	Withdrawn	
24.	Staff Ex. 1.0, 44:864-68	Withdrawn	
25.	Staff Ex. 1.0, 44:875-80	Reserved	'99 and '00 PGA.
26.	Staff Ex. 1.0, 49:971-50:995	Reserved	'99 and '00 PGA.

**MAPLE DIRECT**

	Testimony	Ruling	Explanation
1.	Staff Ex. 2.0, 2:28-29	Overruled	
2.	Staff Ex. 2.0, 12:177-81	Overruled	
3.	Staff Ex. 2.0, 12:189-13:204	Overruled	
4.	Staff Ex. 2.0, 13:211	Withdrawn	
5.	Staff Ex. 2.0, 14:218	Withdrawn	
6.	Staff Ex. 2.0, 14:222-15:247	Sustained	
7.	Staff Ex. 2.0, 15:253-16:268	Overruled	
8.	Staff Ex. 2.0, 16:270-75	Overruled	
9.	Staff Ex. 2.0, 17:282-92	Overruled	
10.	Staff Ex. 2.0, 17:299	Sustained	
11.	Staff Ex. 2.0, 18:301-02	Sustained	
12.	Staff Ex. 2.0, 18:316-19:319	Overruled	
13.	Staff Ex. 2.0, 20:340-41	Sustained	
14.	Staff Ex. 2.0, 20:342-45	Overruled	

15.	Staff Ex. 2.0, 20:349-21:353	Sustained	
16.	Staff Ex. 2.0, 2:41	Overruled	
17.	Staff Ex. 2.0, 21:358-59	Overruled	
18.	Staff Ex. 2.0, 23:393	Sustained	
19.	Staff Ex. 2.0, 28:458-66	Overruled	
20.	Staff Ex. 2.0, 28:474	Reserved	
21.	Staff Ex. 2.0, 33:539	Sustained	
22.	Staff Ex. 2.0, 33:541-47	Reserved	Foundation
23.	Staff Ex. 2.0, 33:550-53	Sustained	
24.	Staff Ex. 2.0, 33:553-34:562	Sustained	
25.	Staff Ex. 2.0, 34:562-35:579	Sustained	
26.	Staff Ex. 2.0, 35:580	Sustained	
27.	Staff Ex. 2.0, 35:590	Sustained	
28.	Staff Ex. 2.0, 36:604	Sustained	
29.	Staff Ex. 2.0, 39:662-63	Reserved	Foundation
30.	Staff Ex. 2.0, 40:667-76	Overruled	
31.	Staff Ex. 2.0, 41:686-87	Overruled	
32.	Staff Ex. 2.0, 41:690-96	Overruled	
33.	Staff Ex. 2.0, 41:699	Sustained	
34.	Staff Ex. 2.0, 41:701	Sustained	
35.	Staff Ex. 2.0, 41:703-42:715	Sustained	
36.	Staff Ex. 2.0, 42:719	Withdrawn	
37.	Staff Ex. 2.0, 44:749	Reserved	Foundation

38.	Staff Ex. 2.0, 45:759-46:785	Overruled	
39.	Staff Ex. 2.0, 48:815-29	Overruled	
40.	Staff Ex. 2.0, 49:840-42	Sustained	
41.	Staff Ex. 2.0, 49:850-51:894	Overruled	
42.	Staff Ex. 2.0, 51:896-99	Sustained	
43.	Staff Ex. 2.0, 52:904	Reserved	Foundation
44.	Staff Ex. 2.0, 52:906-11	Overruled	
45.	Staff Ex. 2.0, 52:913-17	Sustained	
46.	Staff Ex. 2.0, 53:919-21	Sustained	
47.	Staff Ex. 2.0, 54:940-52	Staff agreed to withdraw	
48.	Staff Ex. 2.0, 54:953-57	Staff agreed to withdraw	
49.	Staff Ex. 2.0, 55:959-62	Staff agreed to withdraw	

**EVERSON DIRECT**

	Testimony	Ruling	Explanation
1.	Staff Ex. 3.0, 15:300-17:334	Overruled	

**KNEPLER DIRECT**

	Testimony	Ruling	Explanation
1.	Staff Ex. 4.0, 12:217-24	Reserved	'99 and '00 PGA.

**MIERZWA DIRECT**

	Testimony	Ruling	Explanation
1.	CUB Ex. 1.0, 3:71-4:73	Overruled	
2.	CUB Ex. 1.0, 4:74	Sustained	

3.	CUB Ex. 1.0, 6:130	Withdrawn	
4.	CUB Ex. 1.0, 8:175-93	Sustained	
5.	CUB Ex. 1.0, 12:302-13:324	Sustained, in part.	320-323 is stricken
6.	CUB Ex. 1.0, 14:337-38	Sustained	
7.	CUB Ex. 1.0, 19:482-84	Sustained	
8.	CUB Ex. 1.0, 23:584-85	Withdrawn	
9.	CUB Ex. 1.0, 24:625	Sustained	
10.	CUB Ex. 1.0, 25:639-28:774	Overruled	
11.	CUB Ex. 1.0, 28:777	Sustained	
12.	CUB Ex. 1.0, 28:781	Sustained	
13.	CUB Ex. 1.0, 29:785	Reserved	Foundation
14.	CUB Ex. 1.0, 29:787-91	Sustained	
15.	CUB Ex. 1.0, 29:797-800	Sustained	
16.	CUB Ex. 1.0, 30:810-32:908	Overruled	
17.	CUB Ex. 1.0, 32:910-33:923	Sustained	
18.	CUB Ex. 1.0, 33:926	Sustained	
19.	CUB Ex. 1.0, 33:935-37	Overruled, in part, reserved in part..	The testimony is not stricken, the quotation is an admission. The document needs foundation.
20.	CUB Ex. 1.0, 34:950	Reserved	Foundation
21.	CUB Ex. 1.0, 42:1170-71	Reserved	Foundation
22.	CUB Ex. 1.0, 43:1179-88	Overruled	
23.	Staff Ex. 1.0, 53:1471-54:1496	Sustained	

24.	CUB Ex. 1.0, 54:1500	Withdrawn	
25.	CUB Ex. 1.0, 54:1508	Reserved	Foundation - Can Nicor provide a better copy?
26.	CUB Ex. 1.0, 55:1526	Reserved	Foundation
27.	CUB Ex. 1.0, 55:1530	Reserved	Foundation
28.	CUB Ex. 1.0, 59:1641-42	Reserved	Foundation
29.	CUB Ex. 1.0, 60:1643-45	Sustained	
30.	CUB Ex. 1.0, 60:1655-61:1683	Overruled	
31.	CUB Ex. 1.0, 62:1724	Withdrawn	
32.	CUB Ex. 1.0, 64:1767-65:1793	Reserved	Different PGA years